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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,233	12/19/2005	Lars Ake Naslund	027651-287	1642
21839 7590 11/07/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER KENNEDY, JOSHUA T	
			ART UNIT 3679	PAPER NUMBER
			NOTIFICATION DATE 11/07/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/561,233

Applicant(s)

NASLUND ET AL.

Examiner

Joshua T. Kennedy

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3679

HK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 3-7 and 11-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/10/2007.

Claims 1, 2, 8-10, 17 and 18 have been examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 8-10, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1 and 18, now positively reciting the emitter and the housing fail to further define any particular structure of the emitter or the housing.

As to Claim 17 in particular, Line 4 of the claim states that there is at least one elastic element that is elastic in said first direction. This is inconsistent with the instant specification (Page 7, Line 23), which states that the first direction is along the guide bar 11. There is no disclosure of an elastic element that is elastic in such a direction. Examiner will examine the claims as if the limitation was intended to be read as there is at least one elastic element that is elastic in said second direction (which is

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perpendicular to said first direction). Also, Lines 5-6 of the claims recite "the first, activating element". This should be --the second, activating element--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US Patent 5,975,592).

As to Claim 1. Lin discloses a device fastening an emitter (2) to a housing (4) comprising a first, maneuver element (5) being slidable in a first direction (Figs 2A-2B), a second, activating element (37) being slidable in a second, fastening direction being inclined in relation to said first direction (Figs 2A-2B), whereby the first and second elements are interconnected via at least one cam mechanism (61) such that displacement of the first element in said first direction (Examiner considers the first direction to be the opposite of the arrow shown in Fig 2A) causes displacement of the second element in said second direction (Figs 2A-2B), and the displacement of the second element in said second direction applying a fastening force to the emitter urging the emitter towards the housing.

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As to Claim 2. Lin discloses the device further comprising a third, fastening element (27,29) being slidable in the second direction, whereby the second and third elements are interconnected via at least one fourth, elastic element (9) being elastic in said second direction, whereby the third element is adapted to move, in response to displacement of the first element in said first direction, between a fastening position in which it produces a fastening force onto said emitter and an open position in which the fastening force is released (Figs 2A-2B).

As to Claim 8. Lin discloses the elastic element (9) having a minimal elastic length (Fig 2B) being shorter than the distance between the second, activating element (37) and the third, fastening element (27,29) when the device is in its fastening position.

As to Claim 9. Lin discloses the device comprises at least two elastic elements between the second, activating element and the third, fastening element (Figs 2A-2B).

As to Claim 10. Lin discloses wherein the first, maneuver element and the second, activating element being interconnected via at least two cam mechanisms (61).

As to Claim 17. Lin discloses a fastening element (27) slidable in the second direction, wherein the fastening element and the second, activating element are interconnected via at least one elastic element (9) that is elastic in said second direction, whereby the fastening element (27) is adapted to move, in response to displacement of the second,

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activating element (37), between a fastening position in which the fastening member produces a fastening force (via 29) onto said emitter (Fig 2A) and an open position in which the fastening force is released (Fig 2B).

As to Claim 18. Lin discloses an emitter (2) fastened to a housing (4) by a fastening device which comprises a first, manoeuvre element (5) slidable in a first direction, a second, activating element (37) slidable in a fastening direction inclined relative to said first direction, and at least one cam mechanism (61) interconnecting the first, manoeuvre element and the second, activating element, the cam mechanism being configured to move the second, activating element in the fastening direction when the first, manoeuvre element is moved in the first direction (Examiner considers the first direction to be the opposite of the arrow shown in Fig 2A) to apply a fastening force (Fig 2A; via 29) to the emitter urging the emitter towards the housing.

Response to Arguments

Applicant's arguments filed 9/24/2007 have been fully considered but they are not persuasive.

As to the claims, Applicants' argue:

“*Lin* does not disclose a device fastening an emitter to a housing as now more positively recited...[or] that the lock assembly fastens an emitter to a housing”
(Page 8)

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Examiner respectfully disagrees. USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

As advanced above, there is no particular structure of the emitter or the housing recited in the claims that defines these two elements over the structure shown in Lin. Examiner suggest that Applicant to amend the claim to better reflect what applicant intends to claim as the invention. If the application becomes a patent, it becomes prior art against subsequent applications. Therefore, it is important for later search purposes

to have the patentee employ commonly accepted terminology, particularly for searching text-searchable databases.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 3492702, 386729, 5517697, 6450727, 6644467 and US Patent Application Publications 2003/0156508, 2004/0051302, 2004/0246880, 2006/0016163 all cited to show similar fastening devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTK

10/29/2007

Daniel P Stodola

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